

ENTERED

October 15, 2020

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION****FRANCISCO FLORES****Petitioner****VS.****UNITED STATES OF AMERICA**§
§
§
§
§
§**CRIM. ACTION NO. 5:18-CR-215-1****CIVIL ACTION NO. 5:20-CV-135****FINAL JUDGMENT**

For the reasons stated in the Court's Order (Dkt. 6; Cr. Dkt. 159)¹ dated August 28, 2020, Petitioner Francisco Flores's 28 U.S.C. § 2255 motion to vacate for ineffective assistance of counsel (Dkt. 1; Cr. Dkt. 141) is DENIED, and Civil Action No. 5:20-CV-135 is DISMISSED WITH PREJUDICE. (See Dkt. 6; Cr. Dkt. 159.) In compliance with Rule 58 of the Federal Rules of Civil Procedure ("FRCP"), the Court must set out its judgment "in a separate document."² Fed. R. Civ. P. 58; see *United States v. Perez*, 736 F.2d 236, 237 (5th Cir. 1984) (applying FRCP 58 to a 28 U.S.C. § 2255 proceeding). Therefore, the Court hereby enters FINAL JUDGMENT.

The Clerk of Court is DIRECTED to mail Petitioner a copy of this Final Judgment by any receipted means at the address indicated in his most recent filing.

IT IS SO ORDERED.

¹ "Dkt." indicates a citation to the record in Civil Action No. 5:20-CV-135. "Cr. Dkt." indicates a citation to the record in Petitioner's underlying criminal case, Crim. Action No. 5:18-CR-215-1.

² This final judgment is entered to comply with FRCP 58 and in no way modifies or revises any statement or decision by the Court in its previous Order (Dkt. 6; Cr. Dkt. 159) unless and to the extent such modification is required for compliance with FRCP 58. Accordingly, a certificate of appealability is still denied and will not issue, and the Court still certifies that any appeal from this decision will not be taken in good faith and therefore should not be taken *in forma pauperis*. (See Dkt. 6 at 3; Cr. Dkt. 159 at 3.)

SIGNED this 14th day of October, 2020.

A handwritten signature in black ink, appearing to read 'D Saldaña', written over a horizontal line.

Diana Saldaña
United States District Judge